

D. Maimon Kirschenbaum (DK-2338)  
Charles E. Joseph (CJ-9442)  
JOSEPH & HERZFELD LLP  
757 Third Avenue  
25<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 688-5640  
Fax: (212) 688-2548

*Attorneys for Plaintiffs and proposed  
collective action and class action members*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

**BRANDON SALUS, ALAN FELIX  
IPANAQUE CORDOVA, and BRANDON  
RUCKDASHEL on behalf of themselves and  
others similarly situated,**

INDEX NO: 07cv03142-GBD-DCF

**Plaintiffs,**

**FLSA COLLECTIVE ACTION AND  
RULE 23 CLASS ACTION**

v.

**TSE GROUP LLC d/b/a B.B. KING BLUES  
CLUB AND GRILL and TSION BEN SUSAN**

**Defendants.**

---

**DECLARATION OF NINA CARPENTER**

I, Nina Carpenter, under penalty of perjury, swear/affirm as follows:

1. My name is Nina Carpenter.
2. I was employed by TSE Group as a server at B.B. King Blues Club ("B.B. King") for three months in the summer of 2006.

3. Throughout my employment with B.B. King, I consistently noticed that I was not paid for all time worked in a given pay period.

4. B.B. King keeps track of hourly employees' time through an electronic "clock-in" and "clock-out" system. Employees clock in when they arrive at work and clock out when they finish working. Nevertheless, at the end of each week, I am consistently paid for significantly less hours than I clocked in for that pay period. A substantial amount of this time is overtime (hours that I worked in excess of forty hours in a workweek) and should have been paid at one and a half times my regular rate.

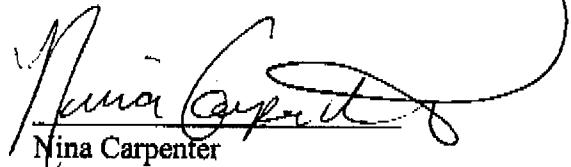
5. I was informed by B.B. King's management that its practice is to charge an employee for a customer's bill when that customer does not pay his bill. For example, when a customer walks out without paying his bill (a "walk-out"), the restaurant forces the waiter to pay for the customer's bill.

6. I myself was a victim, as I was forced to pay about \$80 out of my nightly tips to cover for a walk-out. I also noticed other servers being charged for walk-outs as well.

7. When I began working at B.B. King, I was told by B.B. King management that it was B.B. King's practice not to pay servers for their first four or five shifts. I was not paid at all for my first four or five shifts.

I swear/affirm, under penalty of perjury, that the above and foregoing information is true and correct.

Dated: June 25, 2007



Nina Carpenter